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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of: Hastings et al.

Application Serial No.: 09/037,460

Art Unit: 1647

Filed: March 10, 1998

Examiner: Saoud, C.

TECH CENTER 1600/29

Title: Human Vascular IBP-Like Growth Factor
Polynucleotides (as amended)

Attorney Docket No.: PF147D1

#38
10/28/02
(NE)

RESPONSE UNDER 37 C.F.R. § 1.111 TO PAPER NO. 35

Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Official Action mailed July 15, 2002 (Paper No. 35), Applicants hereby request that the following remarks be considered and entered into the file of the above-captioned application. Applicants submit concurrently herewith: (a) an Associate Power of Attorney; (b) a Notice of Appeal; (c) a copy of the Aitkenhead et al. (2002) reference; and, (d) a Fee Transmittal Sheet (in duplicate).

Remarks

Claims 54-67, 75-92, 102-107, 115-119 and 122-175 are pending in the instant application.

Rejections Under 35 U.S.C. § 101

The Examiner has maintained a rejection of claims 54-67, 75-92, 102-107, 115-119 and 122-175 under 35 U.S.C. § 101 alleging that "the claimed invention is drawn to an invention with no apparent or disclosed specific and substantial credible utility." See, Paper No. 35, page 2, last paragraph.

More specifically, the Examiner states:

Applicant argues that the specification teaches that the claimed protein has use "to proliferate vascular smooth muscle and endothelial cells...; as a tumor diagnostic...; and/or to accelerate the mitogenic activity of other growth factors..." ...